

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix of §  
the Estate of RONALD TYRONE §  
ROBY, Deceased, §  
§  
Plaintiff, §  
§  
v. § CIVIL ACTION NO.  
§ 2:05cv494-B  
BENTON EXPRESS, INC., et al., §  
§  
Defendants. §

PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S  
SUPPLEMENT TO ITS MOTION FOR SUMMARY JUDGMENT

COMES NOW the Plaintiff in the above-styled matter and hereby requests that this Court strike Supplement to Defendant's Brief in Support of its Motion for Summary Judgment as untimely.



---

LABARRON N. BOONE  
Attorney for Plaintiff

OF COUNSEL:

BEASLEY, ALLEN, CROW, METHVIN,  
PORTIS & MILES, P.C.  
218 Commerce Street  
Post Office Box 4160  
Montgomery, Alabama 36103-4160  
(334) 269-2343 (Telephone)  
(334) 954-7555 (Facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following on this the 22 day of December 2005.



\_\_\_\_\_  
OF COUNSEL

Gregory A. Brockwell  
Brett A. Ross  
Carr, Allison, Pugh, Howard, Oliver & Sisson, P.C.  
100 Vestavia Parkway, Suite 200  
**Birmingham, Ala**